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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,158	05/15/2001	Hermann Diehl	U013268-7	3157
7590	03/30/2004		EXAMINER	
Ladas & Parry 26 West 61st Street New York, NY 10023			LUU, THANH X	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 16, 2004 has been entered.

Claims 18-24, 31-36, 38 and 40-45 are currently pending.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the comparison to a star catalog, the image of the rim of the earth, the star image and the star images superimposed on the image of the rime of the earth must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 18-24, 31-36, 38 and 40-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant's description on page 6 of the original specification does not sufficiently describe the invention to enable one of ordinary skill in the art to make and/or use the invention. For instance, it is unclear what it means for "those pixels not being counted which are too close to disturbing stars." Which pixels are being referred to? Further, what does "an exact location determination" refer to? It is also unclear what "up to 3 pixels" refers to.

5. Claims 18-24, 31-36, 38 and 40-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It appears that Applicant has failed to disclose an embodiment where "star images which are superimposed on the image of the rim of the earth" are disregarded. Page 6 of the original specification simply discusses about images of stars that are "too close."

Further, the original disclosure does not disclose "star images" being disregarded. Page 6 only states "those pixels" are not counted, not star images.

Also, regarding claims 41 and 43-45, it is unclear where there is proper support for discarding star images which are located within a given number of pixels or three pixels from the image of the rim of the earth. Page 6 only states that "those pixels not being counted which are too close to disturbing stars."

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 18-24, 31-36, 38 and 40-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 18, "the rim of the earth", "the image of the rim of the earth" and "star images" lacks proper antecedent basis.

Regarding claim 31, "the star" and "the star image" lacks proper antecedent basis. Further, "star images" lacks proper antecedent basis, as there are star images from the simultaneously forming step and star images from a star catalog. In addition, it is unclear what "out of the influence of the rim of the earth" means, as the terms are not used in the specification.

Regarding claim 32, the claim is redundant since the language is already included in independent claim 31.

Regarding claim 42, "the rim of the sun" lacks proper antecedent basis.

The other claims are indefinite by virtue of their dependency on an indefinite claim.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X Luu whose telephone number is (571) 272-2441. The examiner can normally be reached on M-F (6:30-4:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/04



Thanh X Luu  
Primary Examiner  
Art Unit 2878